

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

REPUBLICAN NATIONAL COMMITTEE,
MISSISSIPPI REPUBLICAN PARTY, JAMES
PERRY, and MATTHEW LAMB,

Plaintiffs,

v.

JUSTIN WETZEL, *in his official capacity as the clerk and registrar of the Circuit Court of Harrison County*, TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, *in their official capacities as members of the Harrison County Election Commission*, and MICHAEL WATSON, *in his official capacity as the Secretary of State of Mississippi*,

Defendants.

No. 1:24-cv-00025-LG-RPM

**PROPOSED INTERVENORS VET VOICE’S AND THE MISSISSIPPI ALLIANCE FOR
RETIRED AMERICANS’ NOTICE REGARDING LACK OF OPPOSITION TO THEIR
MOTION TO INTERVENE**

Vet Voice Foundation (“Vet Voice”) and the Mississippi Alliance for Retired Americans (“Alliance”) (together, the “Proposed Intervenors”) file this Notice to inform the Court that no party has opposed, or intends to oppose, their motion to intervene, which was filed on February 9, 2024. *See* ECF Nos. 6, 7. As a result, that motion now may be deemed unopposed and is ripe for the Court’s decision.

1. Proposed Intervenors moved to intervene in this action on February 9, 2024. *See* ECF Nos. 6, 7. Pursuant to Local Rule 7(b)(10), Proposed Intervenors sought the position of the

Republican National Committee, Mississippi Republican Party, James Perry, and Matthew Lamb (collectively, “Plaintiffs”) and Defendant Secretary of State Watson prior to filing their motion.

2. As Proposed Intervenors noted in their motion submitted to the Court, they did not receive a response at the time of filing, but they advised they would update the Court if that changed. ECF No. 6 at 2; ECF No. 7 at 4 n.3.

3. Proposed Intervenors were unable to contact counsel for Justin Wetzel, Toni Jo Diaz, Becky Payne, Barbara Kimball, Christine Brice and Carolyn Handler (“Harrison County Defendants”) prior to filing their motion to intervene because no counsel had yet entered an appearance on behalf of those defendants.

4. Proposed Intervenors have since been able to obtain the position of Defendant Watson and the Harrison County Defendants from their respective counsel and have learned that neither intends to file an opposition to the motion to intervene. Specifically, Proposed Intervenors’ counsel have been advised that Defendant Watson does not take any position on the motion, and the Harrison County Defendants have confirmed that they do not intend to oppose.

5. Because Plaintiffs’ counsel had necessarily appeared at the time the motion to intervene was filed, and were served with the motion at the time it was filed on February 9, 2024 via the Court’s electronic-filing system, Plaintiffs’ deadline to respond to the motion was February 23, 2024. *See* Local Civ. Rule 7(b)(4). That deadline has now passed and Plaintiffs did not file any response to the motion to intervene.

6. Proposed Intervenors’ motion is therefore unopposed and is ripe for the Court’s resolution. The lack of any opposition further supports granting the motion. *See* Local Civ. R. 7(b)(3)(E) (“If a party fails to respond to any motion, other than a dispositive motion, within the time allotted, the court may grant the motion as unopposed.”); *cf. Yarbrough v. CSS Corp.*, No.

4:19-CV-905, 2020 WL 11626224, at *2 (E.D. Tex. June 9, 2020) (granting motion to intervene permissively in part because, “importantly,” the existing parties were “unopposed to the motion”).

Dated: February 27, 2024

Respectfully submitted,

/s/ Paloma Wu

Paloma Wu

Robert B. McDuff

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*Counsel for Proposed-Intervenors Vet Voice
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed with the Court using the CM/ECF system which will automatically send e-mail notification of such filing to all counsel of record.

Dated: February 27, 2024

/s/ Paloma Wu

Paloma Wu
*Counsel for Proposed-Intervenors Vet Voice
Foundation and the Mississippi Alliance for
Retired Americans*